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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,236	08/13/2001	Christopher S. Dunn	12-24 US CIP	5373

25319 7590 09/16/2004

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EXAMINER

CHAWAN, SHEELA C

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/927,236	DUNN, CHRISTOPHER S.	
	Examiner	Art Unit	
	Sheela C Chawan	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-24 and 26 is/are allowed.
- 6) ☒ Claim(s) 1-15, 25 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on June 17, 2004 has been entered and made of record.

Applicant's arguments filed on June 17, 2004 have been fully considered but they are not deemed to be persuasive with respect to claims 1-15, 25 and 27.

In response to applicant's persuasive arguments, all the prior art rejection has been withdrawn and claims 16-23, 24 and 26 are allowed.

REMARKS

2. The examiner has carefully considered applicant's argument with respect to independent claim 1, but firmly believes the cited reference to reasonably and properly meet the claimed limitation. The examiner does not agree with the remarks that Borza cannot be said to suggest "within the biometric information sensor, encoding a value within the digital data, the encoded value related to the digital data and determined in accordance with a known method unique to biometric information sensors approved by a same source and indicative of the same source". There is nothing in the claim that defines or refers to a source as the biometric sensor. The Borza reference is relied upon to provide these features as stated in the rejection (figures 3, 3c, 4b, 7a, 8, see column 7, lines 3 - 52). Claim language does not recite a source as the biometric sensor. Applicant is reminded that the claim language is given its broadest reasonable interpretation.

DETAILED ACTION

Claim Rejections - 35 U.S.C. § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1- 15, 25 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Borza (US.5,995,630).

The applied reference has a common with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As to claim 1, Borza discloses a method of identifying a biometric information sensor (column 1, lines 63-67; fingerprint sensor is a biometric information sensor and fingerprint is identified by the sensor) comprising the steps of:

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providing biometric information to the biometric information sensor (figures 2c, 3, 3a, 8; fingerprint reads on the biometric information and fingerprint sensor reads on the biometric information sensor);

within the biometric sensor, digitizing (column 4, lines 47-54) at least some of the biometric information to provide digital data within the biometric information sensor;

within the biometric sensor, encoding a value within the digital data, the encoded value related to the digital data and determined in accordance with a known method unique to biometric information sensors approved by a same source and indicative of the same source (figures 3, 3c, 4b, 7a, 8); and method unique to biometric information sensors approved by a same source and indicative of the same source (column 7, lines 3 – 52); and

providing the digital data with the encoded value (figures 3, 4b, 7a, 8) therein from the biometric information sensor (figure 8) to a computer, the digital data absent the encoded value sufficient for determining the encoded value therefrom, wherein a comparison (figure 2a-b) between the encoded value and another value determined according to the known method is suitable for identifying (figures 7 a-b) the biometric information sensor as approved by the same source (column 10 line 55 to column 11 line 11).

As to claim 2, Borza discloses a method of identifying a biometric information sensor (figures 7b, 8) wherein the encoded value is shared between the biometric information sensor and the computer to identify the biometric information sensor to the computer (3, 4b, 7a-b, 8).

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As to claim 3, Borza discloses a method of identifying a biometric information sensor (figures 7b, 8) further comprising the step of receiving a signal comprising data at the biometric information sensor (figures 7b, 8) from the computer, and wherein the step of encoding a value (figure 7a) is performed in dependence upon the received data.

As to claim 4, Borza discloses a method of identifying a biometric information sensor wherein the encoded value is related to the digital data in a deterministic fashion based on the received data (figure 3).

As to claim 5, Borza discloses a method of identifying a biometric information sensor wherein the encoded value is independent of any encoded data for determining data integrity (column 10, lines 50-65).

As to claim 6, Borza discloses a method of identifying a biometric information sensor wherein the encoded value relates the biometric information sensor (figure 3) and the digital data to an identifiable biometric information sensor.

As to claim 7, Borza discloses a method of identifying a biometric information sensor wherein the digital data comprises a single image data frame (column 4, lines 55-67).

As to claim 8, Borza discloses a method of identifying a biometric information sensor wherein digital data comprises a plurality of different image frames (column 11, lines 24-27).

As to claim 9, Borza discloses a method of identifying a biometric information sensor comprising the steps of: receiving the digital data at the computer (figure 3);

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decoding (figure 9, element 78) the digital data to determine biometric data and an encoded value (figure 3); using the determined biometric data, determining at least another value related to the biometric data (figure 4; note compare circuit needs at least two values), and according to the known method;

comparing (figure 4) the at least another value to the encoded value to provide a comparison result; when the comparison result is indicative of a match (figures 2a-b), authorizing the data as originating from an approved biometric information sensor.

As to claim 10, Borza discloses a method of identifying a biometric information sensor comprising the steps of:

receiving a unique ID from the biometric information sensor at a processor of smart card interfaced therewith (column 8, lines 44- 45; a physical storage device reads on card);

compare the received unique ID with data indicative of the unique ID stored in memory of the smart card in order to produce a comparison result (fig 2a, column 8, lines 44-59);

if the comparisons result is indicative of a match, providing a certifying signal certifying the unique ID of the biometric information sensor to the computer (column 8, lines 48- 59, fig 2a)

As to claim 11, Borza discloses a method of identifying a biometric information sensor comprising the step of receiving a unique number from a card interfaced with the biometric information sensor (column 6, lines 56-59).

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As to claim 12, Borza discloses a method of identifying a biometric information sensor wherein the value is determined using the unique number (column 6, lines 56-66).

As to claim 13, Borza discloses identifying a biometric information sensor, wherein the value is encoded using the unique number (fig 3).

As to claim 14, Borza discloses identifying a biometric information sensor, wherein at least a portion of the determination of the value is performed using a processor of a smart card interfaced with the biometric information sensor (fig 2a-2c).

As to claim 15, Borza discloses a method of identifying a biometric information sensor, wherein at least a portion of the encoding of the value is performed using a processor of a smart card interfaced with the biometric information sensor (fig 3).

As to claim 25, Borza discloses a method of identifying a biometric information sensor, wherein the step of encoding a value is varied at intervals (column 3, lines 48-66).

As to claim 27, Borza discloses a method of identifying a biometric information sensor wherein the digital data is indicative of an identification of the biometric sensor beyond mere approval by the same source (column 10, line 5 to column 11 line 11).

Allowable Subject Matter

4. The following is an examiner's statement of reasons for allowance:

As pointed out by the applicant in argument filed on June 17, 2004, the prior art of record including Borza (US.5,995,630) fails to teach or suggest alone or in combination with every element of the claim. Claim 16, recites a method of identifying a

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biometric information sensor " within the biometric information sensor, determining a value indicative of a unique source of the biometric information sensor according to the method of determining a value ". Therefore, it is for this reason and in combination with all other limitations in the claims, that claims 16-23 and 26 are allowable over the prior art of record.

Claim 24, recites a method of identifying a biometric information sensor " identifying the biometric information sensor to the computer as an authorized biometric information sensor, the information derived in accordance with a verifiable method wherein verification of the method is indicative of the biometric information sensor being an authorized biometric information sensor ". Therefore, it is for this reason and in combination with all other limitations in the claims, that claim 24, is allowable over the prior art of record.

Claims 16-23, 24 and 26 are allowed.

5. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

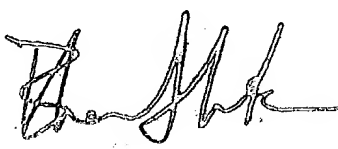
Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is 703-305- 4876. The examiner can normally be reached on Monday - Thursday 6 - 7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sheela Chawan
Patent Examiner
Group Art Unit 2625
September 13, 2004


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